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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 22 May 2007 from the Permanent Mission of the Republic of Hungary to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) concerning Iran, and has the honour to provide the following information, pursuant to paragraph 19 of resolution 1737 (2006) and paragraph 8 of resolution 1747 (2007), on the steps taken by the Government of the Republic of Hungary to implement paragraphs 3 to 7 and 10, 12 and 17 of resolution 1737 (2006) and paragraphs 2 to 7 of resolution 1747 (2007) (see annex).

The implementation by the Republic of Hungary of restrictive measures against Iran imposed by Security Council resolutions 1737 (2006) and 1747 (2007) is based on measures adopted by the European Union and national measures.

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Annex to the note verbale dated 22 May 2007 from the Permanent Mission of the Republic of Hungary to the United Nations addressed to the Chairman of the Committee

1. Measures adopted by the European Union

In order to jointly implement Resolution 1737(2006) the Council of the European Union adopted Council Common Position 2007/140/CFSP of 27 February 2007[1] and Council Regulation (EC) No 423/2007[2] of 19 April 2007 concerning restrictive measures against Iran. The latter is entirely binding and directly applicable in all the Member States of the European Union. The lists of persons and entities subject to restrictions annexed to the Regulation have been amended by Commission Regulation (EC) No 441/2007 (Annex IV) and implemented by Council Decision 2007/242/EC[3]

In order to jointly implement Resolution 1747(2007) within the EU, the Council of the European Union adopted Common Position 2007/246/CFSP[4] which modifies Common Position 2007/140/CFSP in order to give effect to the additional measures imposed by Resolution 1747(2007) and is planning to adopt a new Council Regulation to the same effect which will modify Council Regulation (EC) No 423/2007.

2. Measures taken by the Government of the Republic of Hungary in order to implement Resolutions adopted by the UN Security Council and the above-mentioned legal acts adopted by the Council of the European Union:

a) Ban on export and procurement of conventional arms and related items as set out in UNSC Resolution 1747 (2007)

Hungary has the following national legislation setting up a licensing mechanism for the export, import, transfer, transit of conventional arms, related technical assistance and brokering services to and from third countries. These provide the basis for the national enforcement of the arms embargo adopted against Iran. In this respect, it is important to emphasize that Common Position 2007/140/CFSP as amended by Common Position 2007/246/CFSP prohibits the export to and import from Iran of a wide-range of military items as listed in the EU Common Military List (CML) and the ban also apply to related technical and financial assistance.

Act 109 of 2005 on the licensing of the production of military equipment and the provision of military related technical assistance;

Government Decree No. 301 of 2005. (XII. 23.) on the special rules applicable on licensing of the production of military equipment and the provision of military related technical assistance;

Government Decree No. 16 of 2004. (II. 6.) on the licensing of the export, import, transfer and transit of military equipment and related technical assistance.

A 3-tier arms trade licensing system with very strict procedural sequence guarantees that all international obligations of the Republic of Hungary, including UN embargoes, are duly respected. The EU Code of Conduct on arms export (adopted on June 8, 1998) and the EU Common Position 2003/468/CFSP[5] on the control of arms brokering are also applied. Government Decree No. 16/2004. (II.6.) listed above prohibits

[1] Official Journal of the European Union (OJ) L 61, 28.2.2007, p. 49.
[2] OJ L 103, 20.4.2007, p.1.
[3] OJ L 106, 24.4.2007, p.31.
[4] OJ L 106, 24.4.2007, p.67.
[5] OJ L 156, 25.6.2003, p. 79–80.

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approval if and when licensing would be inconsistent with the international obligations of Hungary under UN, OSCE and EU arms embargoes.

b) Ban on the supply, sale or transfer of dual use goods and technology as set out in the relevant paragraphs of UNSC Resolutions 1737 (2006) and 1747 (2007)

Hungary, in her capacity as active member of the Nuclear Suppliers' Group (NSG), the Australia Group (AG), the Missile Technology Control Regime (MTCR), the Zangger Committee (ZC), the Wassenaar Arrangement (WA), is a strong supporter of effective multilateral export control regimes. Control lists of the above regimes are incorporated into and regularly updated in the relevant national regulations. Hungary lends its full support to the aims of the Proliferation Security Initiative (PSI) early on and has taken part in practical exercises organised within that framework.

Dual use items and technology export is controlled in the European Union at Community level by **Council Regulation 1334/2000/EC (as amended) setting up a Community regime for the control of exports of dual-use items and technology**[4].

The Regulation covers dual use items and technologies falling within the scope of relevant international non-proliferation regimes and export control arrangements including the ones described above and relevant international treaties, such as in particular the Chemical Weapons Convention (CWC). Under EU Law Council Regulation 1334/2000/EC is entirely binding and is directly applicable in Hungary.

Article 8 of the Regulation stipulates that when deciding to grant an export authorisation (EU) member states take into account inter alia their obligations under sanctions imposed by a binding resolution of the UN Security Council.

European Union Common Position 2007/140/CFSP and Council Regulation (EC) No 423/2007 ensures full implementation of UNSCR 1737 (2006) and 1747 (2007) by EU Member States while introducing additional sanctions against Iran.

Hungarian Government Decree on the licensing of foreign trade in dual-use goods and technologies (No. 60/2004) not only fully implements the provisions of the EC regulation but also sets out domestic procedural rules, including the designation of the competent Hungarian authorities.

The Hungarian Trade Licensing Office (official web-site: www.mkeh.gov.hu) is the export-import licensing authority in Hungary, under the auspices of which two separate divisions issue licenses respectively for the trading of conventional military equipment and dual-use goods/technology **(Government Decree No. 260 of 2006 /XII.20./ on the Hungarian Trade Licensing Office)**.

The Export Control Division of the Licensing Office is entrusted with the licensing of the export and import of dual-use products and technologies.

The Inter-ministerial Committee on Non-Proliferation (ICNP) is responsible for general guidelines to be elaborated so as to comply with Hungary's commitments undertaken in non-proliferation treaties, regimes and various international initiatives. Among its other functions, the ICNP discusses and forms an opinion on non-proliferation related issues and provides guidance on priorities for the work of individual ministries. It reviews and co-ordinates the enforcement and practical implementation of Hungary's international non-proliferation commitments, including the ones that are sanctions related.

[4] OJ L 159, 30.6.2001, p. 1.

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Section 263/B of the Penal Code (Act IV of 1978) criminalises in a comprehensive manner all violations of rules and regulations pertaining to the trading of military equipments, service of related technical assistance, export, transit of dual use products and technologies.

c) Freezing of funds and economic resources

Freezing of funds and economic resources of persons and entities designated by the Committee of the Security Council and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in Resolutions 1737(2006), fall within the exclusive competence of the European Community. These measures are therefore implemented in Hungary on the basis of Council Regulation (EC) No 423/2007 mentioned above.

Section 261/A of the Penal Code (Act IV of 1978) criminalises in a comprehensive manner all violations of EC regulations that implement the restrictive measures adopted by the UN Security Council.

By virtue of the Article 85 of Act V of 2006 on the Public Company Information and Court Registration Proceedings and Voluntary Dissolution, if the court of registry is officially informed that a company or a member of a company is subject to certain specific restrictive measures concerning financial assets and economic benefits as imposed on the basis of international obligation, CFSP common position or EC regulation, the court of registry shall suspend the company and shall freeze the company's assets. Accordingly, the court of registry shall advise the financial institution where the company has an account to stop making any payments from the company's funds.

d) Travel restrictions

In order to comply with the terms of paragraph 10 of Resolution 1737 (2006) and paragraph 2 of Resolution 1747(2007) regarding restriction on entry and transit, the following measure have been taken:

Hungarian authorities are observing entries or transit passages of individuals listed in the Annex to Resolution 1737(2006) by all possible means, including the visa regime. Council Regulation (EC) No 539/2001 of 15 March 2001[7], which is binding in its entirety and directly applicable in Hungary, being a Member State of the European Union, requires nationals of Iran to be in possession of a visa when entering the European Union.

Article 4 of Council Common Position 2007/140/CFSP of 27th February 2007 moreover introduced an entry and travel ban on any person designated by the Committee, or by the Council of the European Union on the basis of that Common Position. On this basis the Council of the European Union has adopted a list of persons who shall also be subject to travel restrictions within the European Union. This list is attached to Common Position 2007/246/CFSP.

In the Republic of Hungary the following legislations provide the basis for implementing the above travel restrictions:

Act XI of 1997 on the Border Guards and border guarding;
Act XC of 2001 on the entry and residence of aliens (Article 32).

[7] Official Journal of the European Union L 81, 21.3.2001, p. 1.

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Based on the second act and Council Common Positions 2007/140/CFSP and 2007/246/CFSP referred to above, a national entry and stay ban has been ordered to prevent the entry of people with respect to whom the Republic of Hungary has undertaken an international legal commitment to enforce a ban on entry and stay. No visa can be issued to people with respect to whom a national ban on entry and stay has been ordered and the Hungarian Border Guards have to prevent their entry.

f) Study Restrictions

Paragraph 17 of the Resolution 1737(2006) calls upon all States to exercise vigilance and prevent Iranians from studying subjects which would contribute to Iran's proliferation-sensitive nuclear activities and development of nuclear weapon delivery systems.

Based on this paragraph precautionary measures have been taken by the appropriate authorities. The Ministry of Foreign Affairs and the Ministry of Education and Culture – with due respect to the autonomy of universities - called upon the institutions of graduate and undergraduate studies to exercise vigilance and to identify ways to prevent specialized teaching and training of Iranian nationals of disciplines which would contribute to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems.